

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory: IDAHO

ELIGIBILITY CONDITIONS AND REQUIREMENTS

Process for the Investigation of Allegations of Resident Neglect
and Abuse and Misappropriation of Resident Property

The State has in effect the following process for the receipt and timely review and investigation of allegations of neglect and abuse and misappropriation of resident property by a nurse aide or a resident in a nursing facility or by another individual used by the facility in providing services to such a resident.

The state-wide complaint procedure which outlines the process for the receipt, timely review, and investigation of allegations of neglect, abuse and misappropriation of residents' funds is as follows:

I. DEFINITION OF TERMS:

ABUSE may include but is not limited to:

>Physical

- * A nursing assistant strikes, slaps, pokes or punches a resident.
- * A nursing assistant picks a fight with a resident and knocks him/her down.

>Mental

- * A nursing assistant maliciously taunts or teases a resident.
- * A nursing assistant threatens to prevent a resident from having any visitors in retaliation for something he/she did or said.
- * A nursing Assistant in a facility uses demeaning language to ridicule a resident.

>Sexual

- * A nursing assistant sexually molests a resident.
- * A nursing assistant forcefully requires a resident to participate in a sexual act.

>Maltreatment

- * A nursing assistant isolates and confines a resident in his/her room as a disciplinary measure.

NEGLECT may include but is not limited to:

>Actions that cause harm to the resident's health or welfare caused by negligence on the part of a person responsible for that resident's care.

>Intentional failure to report resident health problems or change in health problems or change in health condition to an immediate supervisor.

>Intentional failure to carry out a prescribed treatment plan for a resident.

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II. COMPLAINT INTAKE:

A. Phone

1. The secretary will screen calls and refer the phone call to one of the surveyors with complaint investigation responsibility.
2. The complainant will be asked to submit the complaint in writing with specific detail.

B. Mail

All incoming nursing assistant complaints will be routed to the Long Term Care (LTC) Supervisor for review and a determination as to whether or not it is to be logged as a complaint.

III. COMPLAINT TRACKING, PRIORITIZING, AND ASSIGNMENTS

- A. The LTC Supervisor will place it in a yellow file folder with a tracking slip.
- B. The LTC Supervisor will log the complaint on the Nursing Assistant Abuse Log and assign it for investigation.

(Complaints will not be assigned until they have been received in writing.)

- C. All complaints regarding nursing assistant abuse and/or neglect will be conducted by two (2) surveyors, preferably within forty-eight (48) hours.

All complaints regarding nursing assistant misappropriation of resident property will be assigned to two (2) surveyors and investigated as soon as scheduling allows but within two (2) weeks.

- D. The LTC Supervisor will place the complaint file folder in the rack file of the staff member/team assigned to investigate the complaint. This folder is to remain there at all times unless he/she is actively working on it.

This complaint folder and complainant identifying information should NEVER leave the office.

IV. INVESTIGATIVE PROCEDURES

- A. Nursing Assistant complaint investigations will be conducted and coordinated with key facility staff.
- B. The investigative process will begin with the facility administrator, then proceed with any other facility staff and/or residents involved with or familiar with the allegations made against the nursing assistant.
- C. Any documentation that the facility has available will be reviewed.
- D. The nursing assistant implicated in the complaint will then be

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- D. The nursing assistant implicated in the complaint will then be interviewed for information surrounding the allegations. This interview should be held in private.

If the interview occurs in the office, the surveyors may make a request to the office manager for a member of the secretarial staff to be in attendance and take notes to accurately record the interview.

During the interview the nursing assistant should be informed that he/she may make a written statement to this office regarding the allegations.

When the surveyors are unable to reach the nursing assistant by phone to request an interview, the opportunity to comment will be offered via registered mail return receipt requested.

V. DOCUMENTATION

- A. Documentation of the investigation into the allegation shall include, at a minimum, the following:
1. The nature of the allegation;
 2. Evidence that led the State to conclude that the allegation was valid or invalid;
 3. If valid, date of the hearing, if the individual chose to have one;
 4. If a hearing is held, the hearing officer's decision; and
 5. Written statement by the individual disputing the allegations, if he/she chooses to make one.

VI. COMPLAINT INVESTIGATION REPORTS

- A. Upon completion of the complaint investigation, the surveyor(s) will make a written report of the findings, with supporting documentation, to the LTC Supervisor.
- B. As needed, the LTC Supervisor will schedule a committee meeting to discuss the facts of the case. The committee will be composed of the LTC Supervisor (chairman);

Deputy Attorney General; and
Surveyors conducting the investigation.

If the findings of the complaint investigation validate the complaint against the nursing assistant, the LTC Supervisor will inform the nursing assistant, in writing, that he/she must notify this office within fifteen (15) working days whether or not they wish to request a hearing.

If the nursing assistant requests a hearing, in writing, the Department hearing procedures will be followed.